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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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Miles E. Hoisington, Jr.,

Plaintiff,

V.

No. 01:24-cv-

WCAX-TV,

Defendant.

COMPLAINT FOR LIBEL AND VIOLATIONS OF CIVIL RIGHTS

INTRODUCTION

1. This is a complaint for the Defendant television station's broadcasting of a false "news" story claiming the plaintiff was "a fugitive from justice" who had been arrested in Vermont. Jurisdiction is federal question and venue is proper in the Southern District of New York as that is where Mr. Hoisington practices law and where he was damaged by the Defendant. Personal jurisdiction is long-arm (tort committed outside the State of New York causing injury in New York).

FACTS COMMON TO ALL COUNTS

2. Plaintiff is a resident of New Hampshire and a practicing attorney in New York City. He is currently on sabbatical in Vermont.
3. Defendant is, on information and belief, a for-profit corporation organized and existing under the laws of, and having its principal place of business in, the State of Vermont.
4. In or about mid-June 2019 defendant broadcast a false news story on its licensed television station, WCAX in Vermont, which falsely reported that plaintiff had been arrested in Vermont as a "fugitive from justice" in New Hampshire.

5. The broadcast was made with knowledge of its falsity or reckless disregard as to its truth or falsity. Defendant made no effort to interview Mr. Hoisington who would have corrected the "story" to point out that the "warrant " he was supposedly arrested pursuant to was stale, and WCAX never reported that Mr. Hoisington was forthwith released with apologies from the Vermont Court in recognition that the "warrant" was not timely served, was stale, no longer in effect, and of no force or effect whatsoever.
6. Mr. Hoisington's law practice has suffered, and continues to suffer, from this "story" being broadcast on WCAX's site on the internet. There is no telling just how many lucrative cases Mr. Hoisington has lost because WCAX has NEVER set the record straight.
7. This lawsuit seeks injunctive relief and damages for the harm proximately caused by Defendant's indolence.

COUNT ONE - LIBEL

8. Paragraphs one through seven are incorporated by reference.
9. The news broadcast by defendant was false, was made with knowledge of its falsity or reckless disregard as to its truth or falsity causing Mr. Hoisington's law practice - income - to be damaged in an amount to be proven at trial.
10. The loss of revenue to Mr. Hoisington continues to this very day.

COUNT TWO - 42 U.S.C. §1983

11. Paragraphs one through 10 are incorporated by reference.
12. Defendant is, on information and belief, licensed to broadcast by one or more federal and/or state agencies.
13. As a consequence the false reporting was state action violating Mr. Hoisington's constitutional rights causing damages in an amount to be proven at trial.

COUNT THREE - NEGLIGENT/INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

14. Paragraphs one through 13 are incorporated by reference.
15. Defendant's false smear of Mr. Hoisington has caused him, either intentionally (recklessly and/or willfully) or negligently, emotional distress and damages are sought in an amount to be proven at trial.

JURY TRIAL IS DEMANDED ON ALL ISSUES SO TRIABLE HEREIN.

WHEREFORE, MR. HOISINGTON DEMANDS JUSDMENT:

1. Awarding him damages in an amount to be proven at trial,
~~trebled pursuant to statute;~~
2. Preliminarily and permanently enjoining WCAX from making ist
June 2019 news broadcast available online or otherwise,
and, affirmatively, broadcasting a retraction of said news
story;
3. 3. Granting such other and further relief as the Court may
see fit.

RESPECTFULLY SUBMITTED

Miles E. Hoisington, Jr.
Pro Se

MILES E. HOISINGTON

June 7, 2024

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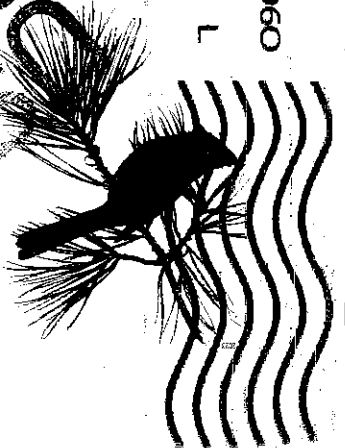
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